

REMARKS

Agent for Applicant presents currently amended claims 1, 6, 8, 16, 19, 20, 25 previously presented claims 3, 4, 5, 7, 9-13 and 21, original claim 2 and new claim 26 for consideration by the Examiner. The present application has 21 claims in total.

Drawings

Examiner objected to the drawings under 35 CFR 1.83(a) as the drawings must show every feature of the invention specified in the claims. Accordingly Examiner stated that the hinge mechanism located between the chair and the pedestal chair base must be shown or the feature cancelled from the claims with no new matter to be entered.

Kindly note that Figure 4 includes the hinge claim 59. Accordingly, Agent for Applicant respectfully states that the feature was included in original Figure 4 and respectfully traverses Examiner's request.

Claim Rejections

The Examiner objected to claims 6-8, 21 and 24. In particular, Examiner objected to claim 6 on the basis that "said chair" on line 6 was not previously recited. Kindly note that claim 6 has been amended to overcome the objection.

Moreover, Examiner requested clarification on claim 8 with respect to the words "the controls". In particular, claim 8 refers to the singular "control".

Examiner also stated that the phrase "said electrical energy" lacks sufficient antecedent basis in claim 21 line 3. Kindly note that claim 21 has been amended to overcome the objection.

Furthermore, the Examiner stated that "said pedestal chair base" lacked antecedent basis in claim 24 line 2. Kindly note that claim 24 has been cancelled.

Furthermore, Examiner objected to claim 7 as being dependent upon an objected base claim. Applicant has amended claim 6 and accordingly respectfully states that Applicant has overcome Examiners objection.

35 USC § 102

Moreover, Examiner objected to claims 1-6, 8-12, 16, 19, 21, 22, 25 as being anticipated by Gruteser. In particular Examiner stated that Gruteser discloses a member 100 selected from a group of members consisting of a chair member, a bed member and a lounge member, said member including information open circuitry 110 and 130 which output information from said member 100 and an energy converter either in the form of “solar cells” or wheels being “used to generate electricity” which convert energy to which the member 100 is exposed to electrical energy for powering said information output circuitry 110, 130 wherein said information output circuitry 110 and 130 is linked to a control 240 for moveable part of said member (i.e. a vibrator, column 6 line 23 or a formable part of the chair or back of the chair, column 6, line 23) and said information output circuitry outputs information regarding use of said control circuitry 240.

In this regard, Agent for Applicant respectfully states that Gruteser nor any of the prior art teach

an energy converter which converts energy to which the member is exposed to electrical energy for powering information output circuitry to generate information regarding the operation of the controls for the moving parts.

Moreover, Gruteser does not teach

electrical energy for powering the information output device wherein the information output device comprises a control for a moveable part of the chair and the control outputting information regarding directions to the use of the control without producing movement of the chair.

Gruteser teaches instead:

at least one sensor 110 to determine whether the chair is **occupied**. The sensor 110 may function for detecting weight, pressure, or may simply comprise an on/off switch that is activated when it has sensed that a person occupies the chair. The weight sensor may be used to distinguish one person from another (see column 3, lines 15-20)

The signal contains information about the state of the chair and the occupant of the chair. Such information is received by a computing system 240 which issues instructions to

effectors 210. The effectors may be used to control the environmental parameters of the chair by controlling the parameters or characteristics of lighting (e.g. on, off, intensity, etc.), heating, ventilation and air conditioning, HVAC, etc. (see column 5, lines 43-55).

In other words Gruteser does not teach generation of electrical power for powering the information output circuitry to generate information regarding the controls for the electrical power requirements.

Examiner also objected to claim 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13. Since all of the claims 2-13 depend from claim 1, Agent for Applicant respectfully states that the Examiner's objections have been overcome.

Moreover, Examiner objected to claims 16, 19, 21 and 22. Applicant respectfully states that the claims have been amended and that Gruteser does not teach:

the generation of electrical energy for powering the information output circuitry to generate information regarding the use of the controls for the electrical power requirements.

Moreover, Examiner objected to claim 25 as particularized in the Office Action. Applicant respectfully states that claim 25 has been amended as outlined above which is not taught by the prior art.

35 USC § 103

Claim 7 was rejected by the Examiner under 35 USC 103b(a) as being unpatentable over Gruteser in view of Sparks. Applicant respectfully states that the claims have been amended as particularized above which overcome the objections on the basis that neither Gruteser nor Sparks teach:

generation of electrical energy for powering the information output circuitry to generate information regarding the operation of the controls for the moving parts.

Moreover, claim 13 was rejected as being unpatentable over Gruteser in view of Burt. Applicant respectfully states that the claims now overcome the objections on the basis outlined above.

Furthermore, Examiner rejected claim 20 as being unpatentable over Gruteser and that it would have been obvious to one of ordinary skill in the art at the time of the invention to use both energy generation mechanisms in a single chair since doing so would merely increase the performance of the chair. Applicant respectfully states that the claims have now been amended to overcome the objections as particularized above.

Claim 23 was rejected as being unpatentable over Gruteser in view of Deaton. Again, Applicant respectfully states that the claims have been amended to overcome the objection on the basis particularized above.

Finally, Examiner rejected claim 24 as being unpatentable over Gruteser in view of Bell. Examiner stated that as disclosed above Gruteser discloses all claimed elements with the exception of a hinge located between the back and the seat. Applicant respectfully states that the claims have been amended to overcome the objection as particularized above.

CONCLUSIONS:

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



Agent for Applicant
Eugene J.A. Gierczak
(Registration No. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
Scotia Plaza
40 King Street West, Suite 5800
Toronto, Ontario, Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695

EJAG/mjg/jg

cc: Terry Cassaday